

REMARKS

The Examiner objected to claim 12 as depending upon a rejected base claim, but indicated that this claim would be allowable if rewritten independent form to include the features of the base claim and any intervening claims. Claim 12 been rewritten in independent form to include the features of base claim 1 and intervening claim 3.

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by Mauer (U.S. Patent No. 3,389,576). Claim 1 has been amended to recite a sensor that detects a defrosting condition of an evaporator. Mauer does not disclose a vapor compression system including a sensor that detects a defrosting condition of an evaporator. Mauer discloses an evaporator 28, but Mauer does not disclose any sensor that detects a defrosting condition of the evaporator 28. The claimed invention is not anticipated, and Applicant respectfully requests that the rejection be withdrawn.

Claims 1, 2, 6, 8, 14, 17, 18, 19 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kuwabara et al. (U.S. Patent Publication No. 2004/0020230) in view of Franck. Claims 1, 2, 3, 4, 5, 6, 7, 14, 15, 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Nakayama (JP 200322391) in view of Franck. Claims 2, 3, 4, 5, 6, 7, 14, 15, 16, 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Franck in view of Kuroki (U.S. Patent No. 6,418,737).

Since Franck was filed prior to the present application, Applicant submits herewith a Declaration under 37 C.F.R. § 1.131 which establishes an actual reduction of practice of the invention prior to the effective filing date of Franck (March 27, 2003). Franck is not a valid reference. Therefore, all of the pending claims are properly allowable.

Thus, claims 1, 2, 4-13 and 18-20 are in condition for allowance. No additional fees are seen to be required. If any additional fees are due, however, the Commissioner is authorized to charge Deposit Account No. 50-1482, in the name of Carlson, Gaskey & Olds, P.C., for any additional fees or credit the account for any overpayment. Therefore, favorable reconsideration and allowance of this application is respectfully requested.

Respectfully Submitted,
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CERTIFICATE OF MAILING

I hereby certify that the attached response is being deposited with the U.S. Postal Service as First Class Mailing, postage prepaid, in an envelope addressed to Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on March 14, 2005.



Amy M. Spaulding